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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,071	09/11/2003	Koichi Kondo	03555/LH	6183
1933	7590	06/27/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			FALASCO, LOUIS V	
		ART UNIT	PAPER NUMBER	
		1773		

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/660,071	KONDO ET AL.	
	Examiner	Art Unit	
	Louis Falasco	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>6/5/05</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

PAPERS RECEIVED

Applicants' Response received 05/18/05 is acknowledged.

No specific argument are put forth except that the rejection of the prior action did not include claims 2 and 5. Claim 5 has been addressed in the prior action (see rejection over of claim 5 on page 8 paragrph "4." and page 11 paragraph "8." of the previous Office Action), however applicants have correctly pointed out the omission of claim 2 in the rejection.

CLAIMS

The claims are 1 to 14.

No claim has been allowed.

ACTIONS

Statutory Basis

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

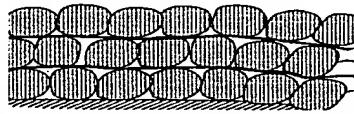
Rejections

1. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 is requires the ferrite film to have an axis of easy magnetization that is due to *uniaxial anisotropy* however it depends from claim 6 which depends from claim 5 requiring the ferrite film to be *isotropic*.

2. Claims 1, 2 (*newly included*), 8, 9, 10, 11 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, 35 U.S.C. 103(a) as being unpatentable over either **Abe** (US 20040238796 or PCT WO 03/015109) or **Fleming et al** (US 20030003324) for reason of record.

Abe teaches a ferrite film of magnetized grains as being to a regularly arranged to minimize random gaps between grains - paragraph [0036] '796 and as evident in the



figures - Fig 1C or 5B , this arrangement to enhances anisotropy, as pointed out in the previous action, which is of special significance to claim 2 calling for anisotropy. Additionally **Fleming et al** teaches a ferrite film of magnetized grains that are evenly arranged, as pointed out previously in paragraph [0013], where consistency occurs throughout the width of the ferrite film further promoting anisotropy, as in claim 2, see paragraph [0018].

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe** or **Fleming et al** as applied to claims 1, 2(*new*), 8, 10, 11 and 12 above, and further in view of **Tamari et al** (US 6159594) for reasons of record.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe** or **Fleming et al** either one with **Tamari et al** as applied to claims 9 above, and further in view of either **Futamoto et al** (US 6544672) or **Matsushita et al** (*IEEE Transcripts on Magnetics* vol. 38 no 5 (September, 2002) Ni-Zn-Co Ferrite Films) for reasons of record.

5. Claims 5 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, 35 U.S.C. 103(a) as being unpatentable over **Abe** (US 20040238796 or PCT WO 03/015109) for reasons of record.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe** as applied to claims 5 above, and further in view of **Fleming et al** (US 20030003324) for reasons of record.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tamari et al** (US 6159594) for reasons of record.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tamari et al** as applied to claims 13 above, and further in view of either **Abe** (US 20040238796) or **Fleming et al** (US 20030003324) for reasons of record.

DOUBLE PATENTING

The nonstatutory double patenting rejection had been explained in the previous Office action.

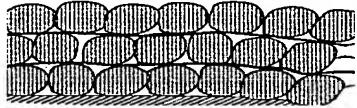
Terminal disclaimer in compliance with 37 CFR 1.321(c) had been explained in the previous Office action.

1. Claims 1, 2 (*newly applied*), 5, 8, 9, 10, 11 and 12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 8 of copending **Abe** Application No. 10/486285 for reasons of record.

In Sn 10/486285 the claimed *compression formed ferrite grains* are uniform



see paragraphs [0016] [0017] [0042] and Fig 1C and 5B



and note anisotropy explained in the previous action also for claim 2 (previously omitted), additionally the claims of copending **Abe** 10/486285 are based on the disclosure at Fig. 1C and at pages 10 ln 6, pg 15 lns 16 and pg 15 ln 24 to pg 16 ln 3 and pg 21 lns 21-25 teaching the film has anisotropic character of claim 2.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

2. Claim 9 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 8 of copending **Abe** Application No. 10/486285 as applied to claims 1, 2 (*new*), 5, 8, 9, 10, 11 and 12 above, and further in view of **Tamari et al** (US 6159594) for reasons of record.

This is a provisional obviousness-type double patenting rejection.

3. Claim 10 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 8 of copending **Abe** Application No. 10/486285 in view of **Tamari et al** (US 6159594) as applied to claims 9 above, and further in view of either **Futamoto et al** (US 6544672) or **Matsushita et al** (*IEEE Transcripts on Magnetics* vol. 38 no 5 (September, 2002) Ni-Zn-Co Ferrite Films) for reasons of record.

This is a provisional obviousness-type double patenting rejection.

4. Claims 2 (*newly added*), 6 and 7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 8 of copending **Abe** Application No. 10/486285 as applied to claims 1, 2, 5, 8, 9, 10, 11 and 12 above, and further in view of **Fleming et al** (US 20030003324) for reasons of record.

Fleming et al further teaches anisotropy of claim 2 see paragraphs [0004] and [008] and an increase in resonance frequency. It would have been obvious to adopt Fleming et al to increase resonance frequency; one of ordinary skill would have been motivated to adopt Fleming et al to permit operation at higher frequency.

This is a provisional obviousness-type double patenting rejection.

5. Claims 13 and 14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 8 of copending Abe Application No. 10/486285 as applied to claims 1, 2 (*newly added*), 5, 8, 9, 10, 11 and 12 above, and further in view of Tamari et al (US 6159594) and Fleming et al (US 20030003324) for reasons of record.

This is a provisional obviousness-type double patenting rejection.

CONCLUSION

The claims 1 to 14 have been examined on their merits.

No claim has been allowed in this action.

Applicant's arguments filed 05/18/05 have been fully considered but they have not been found persuasive. Applicants argue the prior action did not include a rejection of claims 2 and 5. Claim 5 has been addressed in the prior action (see rejection over of claim 5 on page 8 paragrph"4." and page 11 paragraph "8." of the previous Office

Action), however applicants have correctly pointed out the omission of claim 2 in the rejection. Accordingly the merits of claim 2 have been addressed in the instant Office action. A phone call was made by the examiner to applicants representative pointing out the accidental omission of claim 2 which has been addressed in the instant Office action. The examiner apologizes for any misunderstanding due to his omission of claim 2 for from the rejections in the previous action.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis Falasco whose telephone number is (571)272-1507. The examiner can normally be reached on M-F 10:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571)272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LF

06/05


STEVAN A. RESAN
PRIMARY EXAMINER